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Attorneys for Defendant Google LLC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONATHAN DIAZ and LEWIS
BORNMAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 5:21-cv-03080-NC

**NOTICE OF SETTLEMENT AND JOINT
STIPULATION TO STAY THE CASE
PENDING THE FILING OF MOTION FOR
APPROVAL OF SETTLEMENT**

Hon. Nathanael M. Cousins

1 Pursuant to Civil Local Rules 6-2 and 7-12 Plaintiffs and Defendant Google LLC
2 (“Google”) (collectively, the “Parties”), by and through their respective counsel of record, hereby
3 stipulate as follows:

4 WHEREAS, on September 28, 2021, the Parties informed the Court that they were
5 developing an informal but collaborative discovery process to resolve many of the pending issues
6 raised in Google’s motion to dismiss, and requested modification of the motion to dismiss
7 briefing schedule (*see* Dkt. 47 (Stipulation & Proposed Order)), which the Court granted (*see* Dkt.
8 48);

9 WHEREAS, the Parties worked on the informal but collaborative discovery process
10 through January 2022 and attended mediation sessions conducted by Zoom on January 31, 2022,
11 February 7, 2022, and February 11, 2022 with the Hon. Read Ambler (Ret.) of JAMS;

12 WHEREAS, on February 18, 2022, the Parties executed a term sheet for the settlement of
13 all of Plaintiffs’ claims against Google;

14 WHEREAS, the Parties are working on finalizing settlement documentation forthwith.

15 IT IS HEREBY STIPULATED AND AGREED TO:

16 1. All litigation activities shall be stayed, including any deadlines concerning
17 Google’s pending motion to dismiss and request for judicial notice in support of the same (*see*
18 Dkt. 58), except for those litigation activities necessary to finalize a settlement agreement and to
19 effectuate the settlement approval process;

20 2. The case management conference currently scheduled for March 30, 2022 (*see*
21 Dkt. 58) shall be removed from the Court’s calendar;

22 3. The Parties will submit a proposed briefing schedule for Plaintiffs’ preliminary
23 approval motion by March 11, 2022; and
24
25
26
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4. The litigation stay agreed to herein shall be automatically lifted if the Court denies or otherwise fails to grant Plaintiffs' preliminary approval motion.

Dated: February 24, 2022

/s/ Douglas I. Cuthbertson

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Dated: February 24, 2022

/s/ Benedict Y. Hur

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**[PROPOSED] ORDER RE: NOTICE OF
SETTLEMENT AND JOINT
STIPULATION TO STAY THE CASE
PENDING THE FILING OF MOTION FOR
APPROVAL OF SETTLEMENT**

Hon. Nathanael M. Cousins

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:

Hon. Nathanael M. Cousins
United States Magistrate Judge

ATTESTATION REGARDING SIGNATURES

I, Douglas I. Cuthbertson, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: February 24, 2022

By: /s/Douglas I. Cuthbertson
Douglas I. Cuthbertson